

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

Blue Tee Corp., )  
                    Plaintiff,     )  
vs.                ) No. 03-5011-CV-SW-FJG  
                    )  
ASARCO, LLC, et al.,     )  
                    Defendants. )

**AMENDED ORDER<sup>1</sup>**

Pending before the Court is Defendants ASARCO's Status Report and Request for Administrative Closure (Doc. No. 221). On August 9, 2005, defendant ASARCO filed for bankruptcy under Chapter 11 in the United States Bankruptcy Court in Corpus Christi, Texas. This Court therefore entered a stay of all proceedings in this matter between Plaintiff and Defendant ASARCO, and ordered the parties to provide reports regarding defendant ASARCO's bankruptcy case status beginning on October 1, 2005 and continuing every two months until resolution of the bankruptcy.

In defendant ASARCO's status report, defendant requests the Court, in its discretion, administratively close this case and/or discontinue any obligation of ASARCO or its counsel to file periodic reports on the status of the bankruptcy case. Defendant ASARCO notes that plaintiff and defendant EaglePicher stopped filing periodic status reports with this Court following EaglePicher's filing of a new bankruptcy case on April 11, 2005. Defendant ASARCO wishes the Court to administratively close this case and/or

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<sup>1</sup>The Court enters this amended order to correct clerical errors made in its previous Order (Doc. No. 228).

discontinue its obligation to file periodic status updates because that would “impose an onerous burden on ASARCO at a time when it is attempting to conserve its resources and reorganize as a viable concern.” However, defendant ASARCO states that it “remains prepared and willing to submit such information as the Court may think would be helpful in determining how to manage its docket.”

Plaintiff concurs in the request to be relieved of the requirement to file bi-monthly reports with this Court on the status of the case; however, plaintiff does not believe that administrative closure of this case would be appropriate. Plaintiff states that it is presently considering whether to file a motion to lift the automatic stay with the bankruptcy court.

After considering the arguments made by both parties, the Court **DENIES** defendant's request to administratively close the case. Furthermore, the Court modifies its previous order and directs the parties to file reports regarding defendant ASARCO's bankruptcy case status beginning on **May 12, 2006**, and continuing every six months until resolution of the bankruptcy. Furthermore, the Court directs plaintiff and defendant Eaglepicher, Inc. to continue to file reports regarding defendant Eaglepicher's bankruptcy case status beginning on **May 12, 2006**, and continuing every six months until resolution of the bankruptcy.

**IT IS SO ORDERED.**

/s/Fernando J. Gaitan, Jr.  
Fernando J. Gaitan, Jr.  
United States District Judge

Dated: December 5, 2005  
Kansas City, Missouri